

REMARKS

The Official Action dated March 10, 2005 has been carefully considered. The Examiner's allowance of claims 3, 4, 12, 13, 16-31, and 33-38 if rewritten or amended is gratefully acknowledged and appreciated. The changes presented herein, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

By present amendment, several corrections have been made to correct typographical errors and overcome certain rejections and objections. Paragraph 0008 of the specification has been amended to provide the correct reference number (i.e., 20) for the vitreous cavity in the final sentence of the paragraph. In addition, claims 34 and 35 have been amended to remove indefinite language and incorporate the claim language of original claim 38. Also by present amendment, new claims 39-42 have been added. Support for claims 39-42 is found in paragraphs 0014 and 0016 of the specification, and original claims 1, 12, 31, 32, and 33. Care has been taken to avoid the introduction of any new matter, and entry is respectfully requested.

The Examiner objected to claim 32 under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim cannot depend upon another multiple dependent claim. The Examiner asserted that claim 32 is indirectly dependent upon multiple dependent claim 30. The objection is traversed as the objection is based on a misreading of claim 31. Claim 32 is dependent on claims 12 and 31, and claim 31 is dependent only on claim 12. Since claim 31 is not dependent on claim 30, claim 32 is not indirectly dependent on claim 30. In addition, by present amendment claim 32 has been amended to be dependent only on claim 12. The objection with respect to claim 32 has been traversed, and reconsideration is respectfully requested.

Claim 11 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner asserted that the phrase "the material" lacked antecedent basis from claim 1. The rejection is traversed. By present amendment, claim 5 has been amended to recite that the lens

body comprises a synthetic material (as discussed below, the limitations of original claim 5 have been incorporated into amended claim 1), and claim 11 has been amended to be dependent upon claim 5 and refer to said synthetic material. Care has been taken to avoid the introduction of new matter. Accordingly, the objection with respect to claim 11 has been traversed, and reconsideration is respectfully requested.

Claims 12-38 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner asserted that the use of "lens capsule" was confusing because it appeared that both an artificial lens capsule and a natural lens capsule were set forth in the claims. The rejection is traversed. By present amendment, claims 12-38 have been amended to distinguish between an "artificial lens capsule" and a "natural lens capsule." New claims 39-42 have been added with regard to use of the lens body with a natural lens capsule, and the preamble of claim 1 has been amended accordingly. Care has been taken to avoid the introduction of new matter. Accordingly, the objection with respect to claims 12-38 has been traversed, and reconsideration is respectfully requested.

Claims 12-38 also were rejected because the Examiner asserted that the preamble and claim body were not commensurate with each because the preamble called for a "multifocal intraocular lens" while the body of claim 12 required a lens capsule and a substance that are not within the scope of a lens. The rejection is traversed. By present amendment, the preambles of claims 12-21 have been amended to recite a "multifocal intraocular lens system," commensurate with the body of the claims. This terminology is already present in the preamble to claims 22-38. Care has been taken to avoid the introduction of new matter. Accordingly, the objection with respect to claims 12-38 has been traversed, and reconsideration is respectfully requested.

Claim 13 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner asserted that the size claimed was indefinite as being based upon an indefinite parameter (i.e., the size of the patient). The rejection is traversed. By present amendment, claim

13 has been amended to recite that the artificial lens capsule is so dimensioned as to replace the natural lens capsule of the eye. The phrase "so dimensioned" is as accurate as the subject matter permits, and is sufficiently definite as discussed in MPEP 2173.05(b) (discussing Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 802 F.2d 1565 (Fed. Cir. 1986)). Accordingly, the objection with respect to claim 13 has been traversed, and reconsideration is respectfully requested.

Claims 36 and 37 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite with regard to the term "spring-like." The rejection is traversed. Claim 36 has been canceled, and claim 37 has been amended to remove the asserted indefinite language and specify that the structures used for holding the artificial lens capsules are haptics, as described in paragraph 0015 of the specification and as shown in Figures 2-4. Claim 35 also has been amended to remove the asserted indefinite language. Care has been taken to avoid the introduction of new matter. Accordingly, the objection with respect to claims 36 and 37 has been traversed, and reconsideration is respectfully requested.

The Examiner rejected claims 14 and 15 under 35 U.S.C. 101 as being directed to non-statutory subject matter. The rejection is traversed. By present amendment, claims 14 and 15 have been amended in accordance with the Examiner's suggested language change to read that the artificial lens capsule is adapted to be positioned in the anterior or posterior chambers of the eye. The rejection with respect to claims 14 and 15 has been traversed, and reconsideration is respectfully requested.

Claims 1, 2, and 5-8 were rejected under 35 U.S.C. 102(b) as being unpatentable over Portney (U.S. Pat. No. 4,898,461). The Examiner asserted that Portney discloses a lens where the periphery thereof is outside peaks (54) and (56) (see Figs. 4 and 8A), the anterior and posterior surfaces are "substantially elliptical" because "substantially" is a broad term, and the periphery is tapered from the peaks (54, 56) to the edges. The Examiner further asserted that the lower

portion of the present invention as claimed is the lower half of the lens of Portney, and that Portney discloses a lens with multiple indices of refraction.

The rejection is traversed. By present amendment, claim 1 is amended to specify a lens of with a lower portion having a semicircular shape in cross-section and tapering upwardly toward said upper portion to create a tapering periphery, wherein a cross-sectional profile of said lens body has a comma shape. Support for this amendment is found in paragraphs 0012 and 0013 of the specification, and original claim 5. The amendment more fully describes the unique and original shape of the lens body of the present invention, and distinguishes the present invention, which forms a comma shape in cross-section, from the symmetrical lens of Portney, which forms a crescent moon in cross-section. In particular, the Applicant notes that lower portion of the lens of Portney is semicircular only when viewed from the anterior or posterior of the lens, and *not* from a side or cross-sectional view. The amendment clarifies that the lower portion of the lens of the present invention has a semicircular shape *in cross section*, thus distinguishing it from Portney. Applicant finds no teaching or suggestion in Portney of a lens with a lower portion having a semicircular shape in cross-section and tapering upwardly toward said upper portion to create a tapering periphery, wherein a cross-sectional profile of said lens body is comma-shaped. In addition, claim 1 discloses a tapering periphery only along the edge of the upper portion of the lens, while the lens of Portney has a periphery extending the entire circumference of the lens. Accordingly, the rejection of claim 1 has been traversed. As claim 1 is now in allowable form, the rejection of dependent claims 2 and 5-8 also has been traversed (in addition, as noted above with regard to the objection to claim 11, claim 5 has been amended to recite that the lens body comprises a synthetic material). Reconsideration and an early allowance is respectfully requested.

Claims 1, 5-9, and 11 were rejected under 35 U.S.C. 102(b) as being unpatentable over Gupta et al. (U.S. Pat. No. 5,728,156). The Examiner asserted that Figure 4 of Gupta discloses a

lower portion of a lens with a semicircular shape, with substantially elliptical posterior and anterior portions as shown in Figures 4 and 5. The Examiner further asserted that Gupta discloses a wedge giving the lower portion of a lens a greater index of refraction.

The rejection is traversed. As discussed above, claim 1 is amended to specify a lens of with a lower portion having a semicircular shape in cross-section and tapering upwardly toward said upper portion to create a tapering periphery, wherein a cross-sectional profile of said lens body has a comma shape. The amendment clarifies that the lower portion of the lens of the present invention has a semicircular shape *in cross section*, thus distinguishing the lens of the present invention from Gupta. The lower portion of a lens with semi-circular shape disclosed by Figure 4 of Gupta is an anterior or posterior view, not a cross-sectional view. The cross-sectional view of the lens of Gupta, as seen in Figures 3 and 5 therein, does not disclose a lower portion with a semi-circular shape. Applicant further finds no teaching or suggestion in Gupta of a lens with a lower portion having a semicircular shape in cross-section and tapering upwardly toward said upper portion to create a tapering periphery, wherein a cross-sectional profile of said lens body is comma-shaped. Accordingly, the rejection of claim 1 has been traversed. As claim 1 is now in allowable form, the rejection of dependent claims 5-9 and 11 also has been traversed. Reconsideration and an early allowance is respectfully requested.

Claim 10 was rejected under 35 U.S.C. 103 as being unpatentable over Gupta et al. in further light of Grendahl (U.S. Pat. No. 4,778,462). The Examiner asserted that Gupta disclosed all claim elements except for a colored or "not colorless" lens, but that Grendahl teaches that it was known to color different parts of intraocular lenses with different colors for enhanced accommodation. The Examiner asserted that it would have been obvious to color the different portions of the Gupta lens system for the same reason as Grendahl.

The rejection is traversed. As discussed above, claim 1 is amended to specify a lens of the present invention with a lower portion having a semicircular shape in cross-section and

tapering upwardly toward said upper portion to create a tapering periphery, wherein a cross-sectional profile of said lens body has a comma shape. This amendment distinguishes the lens of the present invention from Gupta, so that Gupta does not disclose all of the elements of claim 1 as amended herein. Accordingly, the combination of Gupta and Grendahl does not disclose all the elements of claim 10, which depends on claim 1 as amended, and cannot serve as a basis for rejection under 35 U.S.C. 103(a). Accordingly, the rejection with regard to claim 10 has been traversed, and reconsideration is respectfully requested.

Accordingly, the objection under 37 CFR 1.75(c), and the rejections under 35 U.S.C. 112, second paragraph, 101, 102(b), and 103(a) have been traversed with respect to all claims, and reconsideration is respectfully requested. It is believed that the above represents a complete response to the objections and rejections, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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